

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE GUTIERREZ-MERAZ,

Defendant.

CASE NO: 2:23-CR-0036-TOR-8

ORDER ACCEPTING GUILTY PLEA
AND SETTING SENTENCING
SCHEDULE

On June 12, 2024, Jose Gutierrez-Merza appeared before the Court and entered a plea of guilty to Count 4 of the Superseding Indictment filed on June 21, 2023, charging him with Distribute a Mixture or Substance Containing a Detectable Amount of Methamphetamine and a Mixture or Substance Containing a Detectable Amount of Fentanyl, in violation of 21 U.S.C. §§ 846, 841. The Defendant was represented by Zachary L. Ayers and assisted by the Court's certified interpreter. Caitlin A. Baunsgard appeared on behalf of the government.

The Court finds that Defendant is fully competent and capable of entering an informed plea, that the Defendant is aware of the nature of the charges and

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1 consequences of the plea and the plea of guilty is knowing, and voluntary, is not
2 induced by fear, coercion, or ignorance and is supported by an independent basis in
3 fact establishing each of the essential elements of the crime. Therefore, the
4 Defendant's plea of guilty is accepted.

5 **ACCORDINGLY, IT IS HEREBY ORDERED:**

6 1. A sentencing hearing is set for **September 18, 2024, at 9:30 a.m.**, in
7 Spokane Courtroom 902. Absent truly exigent circumstances, the Court will not
8 consider a request for a continuance of sentencing unless: (1) the request is made
9 by written motion, (2) in accordance with LCivR 7, and (3) the motion and
10 supporting declaration are filed at least seven (7) days before the scheduled
11 sentencing hearing. s

12 2. The Defendant shall remain in the custody of the U.S. Marshal's Service
13 pursuant to the detention order in this matter. ECF No. 161. **If a sentence of**
14 **incarceration is imposed, the Defendant shall remain in the custody of the U.S.**
15 **Marshal's Service.**

16 3. The United States Probation Office shall prepare a Presentence
17 Investigation Report (PSIR) pursuant to Fed. R. Crim. P. 32(c).

18 4. Not later than **August 7, 2024**, the probation officer shall disclose the
19 Presentence Investigation Report to the Defendant, counsel for Defendant, and the
20

1 Government. Disclosure of the Presentence Investigation Report shall be subject
2 to the limitations imposed by Rule 32 of the Federal Rules of Criminal Procedure.

3 5. Not later than **August 21, 2024**, counsel shall communicate in writing to
4 the probation office (and opposing counsel) any objections they may have as to
5 legal and factual errors or omissions; sentencing classifications; sentencing
6 guideline ranges; and policy statements contained in or omitted from the report. If
7 an objection is filed, the probation officer shall conduct such additional
8 investigation as is necessary to assess the merits of the objection.

9 6. The probation officer shall submit the final Presentence Investigation
10 Report to the Court by **September 4, 2024**. The report shall be accompanied by an
11 addendum setting forth any objections counsel may have made, including those
12 that have not been resolved, together with the officer's comments and
13 recommendations thereon.

14 7. Not later than **September 4, 2024**, counsel shall file and serve all
15 motions and memoranda pertaining to Defendant's sentence, including departures
16 and variances, and sentencing recommendations. **FAILURE TO FILE AND**
17 **SERVE SENTENCING MATERIAL, TO INCLUDE MOTIONS OR**
18 **MEMORANDA FOR UPWARD OR DOWNWARD DEPARTURE AND**
19 **VARIANCES, BY THIS DATE WILL BE DEEMED A WAIVER OF THE**
20 **RIGHT TO DO SO.**

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1 8. Not later than **September 11, 2024**, the opposing party shall file and
2 serve its response limited to no more than seven (7) pages.

3 9. If either party intends to call witnesses or proffer exhibits at sentencing,
4 witness and exhibit lists must be exchanged by the parties and provided to the
5 Court no later **September 11, 2024**. This includes the names of any party who
6 requests to address the Court prior to the imposition of sentence.


7 10. All pending motions are **DENIED as moot** and all pending hearing and
8 trial dates are stricken from the Court's calendar.

9 11. The District Court Executive is authorized to accept Defendant's \$100
10 payment which shall be applied to the Special Penalty Assessment.

11 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
12 this Order and provide copies to counsel, the United States Probation Office, and
13 the United States Marshal's Service.

14 DATED June 12, 2024.




THOMAS O. RICE
United States District Judge